

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419 (FDS)

THIS DOCUMENT RELATES TO:

All Actions

**CORRECTED JOINTLY PROPOSED AGENDA
FOR THE JANUARY 10, 2014 STATUS CONFERENCE**

This Corrected Agenda corrects item No. 1 (deadline for filing responsive pleadings), updates item No. 4 (deadline for filing Master Complaint), and adds items Nos. 8, 14, and 15.

The Plaintiffs' Steering Committee, Ameridose LLC, New England Compounding Pharmacy, Inc. (through both the Trustee and counsel), and Official Committee of Unsecured Creditors (through counsel)¹ jointly propose the following agenda for the January 10, 2014, status conference:

1. Update on short form complaints
 - a. Deadline to file responsive pleadings to short form complaints and/or leave to file third-party complaints against affiliated defendants is today, January 10, 2014 [Electronic Clerk's Notes, Dkt. 724]
2. Status of mediation efforts [Mediation Order, Dkt. No. 394]
3. Proposed settlement in principle with NECC principles, related entities, and insurers
4. Master Complaint against Affiliated Defendants and responsive pleadings
 - a. March 10, 2014, deadline to file Master Complaint against Affiliated Defendants [Dkt. 747]
 - b. Response to the Trustee and PSC's Joint Emergency Motion to Extend the Deadline for Filing of a Master Complaint Related to Affiliated Defendants by Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, Premier Orthopaedic Associates Surgical Center [Dkt. 751]
5. PSC's Motion to Partially Lift Discovery Stay against Affiliated Defendants [Dkt. 534]

¹ All defendants whose counsel have filed notices of appearance in the MDL were provided an opportunity to comment on the agenda.

- a. Chapter 11 Trustee's Response [Dkt. 758]
 - b. Affiliated Defendants' Opposition [Dkt.757]
6. Update on subpoenas and objections
 - a. PSC's Motion(s) to Compel and for Civil Contempt [forthcoming]
7. Matters referred to Judge Boal
 - a. Travelers Motion to Quash [Dkt. 633 and 730]
 - i. PSC's Response [forthcoming]
 - b. Plaintiff Fact Sheet
 - c. Medical Releases
 - d. Parties meeting and conferring on all matters referred to Judge Boal
8. Bellwether scheduling process
9. PSC Notice of Instructions for Accessing U.S. Legal Repository [Dkt. 739]
10. PSC Motion to Amend Order on Central Enforcement of Subpoenas [Dkt.749]
 - a. Order on Central Enforcement of Subpoenas [Dkt. 193]
11. Other Pending motions
 - a. Order on motions to dismiss, amend, and summary judgment [Dkt. 720]
 - i. Motion to Dismiss *McDow* (12-cv-12112)
 - b. Trustee's Renewed and Supplemental Motion to Transfer [Dkt. 732]
 - i. PSC's Motion for one week extension to respond and for oral argument, if any, to be held after January 17, 2014 [Dkt. 760]
 - ii. Creditor's Committee Response [Dkt. 743]
12. Status of bankruptcy proceedings
13. Status of appeals
14. PSC to file Common Benefit Motion by January 17, 2014
15. Status of insurers' declaratory judgment actions:
 - a. *Ironshore Specialty Ins. Co. v. Ameridose et al.*, 1:13-cv-13000-FDS (D. Mass.)
 - b. *Certain Underwriters at Lloyd's, London v. Ameridose et al.*, 1:13-cv-12609-FDS (D. Mass.)
 - c. *Landmark Am. Ins. Co. v. ARL Bio Pharma, Inc.*, CJ-2013-3193 (Okla. Dist. Ct.)

Dated: January 10, 2014

Respectfully submitted,

Matthew P. Moriarty
TUCKER ELLIS LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113
(216) 592-5000
mmoriarty@tuckerellis.com

Ameridose's Liaison Counsel

Paul D. Moore
DUANE MORRIS LLP
100 High Street, Suite 2400
Boston, MA 02110-1724
(857) 488-4230
pdmoores@duanemorris.com

*Chapter 11 Trustee for the Estate of New
England Compounding Pharmacy, Inc.*

William R. Baldiga
Rebecca L. Fordon
BROWN RUDNICK LLP
One Financial Center
Boston, Massachusetts 02111
(617) 856-8200
wbaldiga@brownrudnick.com
rfordon@brownrudnick.com

David J. Molton
BROWN RUDNICK LLP
Seven Times Square
New York, New York 10036
(212) 209-4800
dmolton@brownrudnick.com

*Counsel for the Official Committee of
Unsecured Creditors*

/s/ **Kristen Johnson Parker**

Thomas M. Sobol, BBO # 471770
Kristen Johnson Parker, BBO# 667261
HAGENS BERMAN SOBOL SHAPIRO LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
(617) 482-3700
tom@hbsslaw.com
kristenjp@hbsslaw.com

Plaintiffs' Lead Counsel

Frederick H. Fern
HARRIS BEACH PLLC
100 Wall Street
New York, NY 10005
(212) 687-0100
hbnecc@harrisbeach.com

NECC's Liaison Counsel

CERTIFICATE OF SERVICE

I, Kristen Johnson Parker, hereby certify that I caused a copy of the above Corrected Jointly Proposed Agenda for the January 10, 2014, Status Conference to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: January 10, 2014

/s/ Kristen Johnson Parker
Kristen Johnson Parker, BBO # 667261